

EXHIBIT B

PETER DELVECCHIA

November 19, 2019

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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

CASE NO. 2:19-CV-01322-KJD-NJK

PETER DELVECCHIA, individually and
as next friend of A.D., a minor,

Plaintiffs,

vs.

FRONTIER AIRLINES INC. and JOHN DOES
1 through 5, inclusive,

Defendants.

Videotaped Deposition of

PETER DELVECCHIA

(Taken by Plaintiffs)

Raleigh, North Carolina

Tuesday, November 19, 2019

Reported in Stenotype By:

Denise Y. Meek

Court Reporter and Notary Public

1 Q. Was anybody else staring at you, such
2 as the passengers in the row in front of you?

3 A. I couldn't tell that.

4 Q. Okay. Did you ever start to cry as you
5 sat in your seat?

6 A. No.

7 Q. You mentioned that you pulled out a
8 magazine. Was that a magazine that you had
9 brought with you?

10 A. Yes. Well, yes, because it had nature
11 pictures in it, and I always read magazines
12 with hiking. Sorry. Yes.

13 Q. And you mentioned two other times where
14 the FBI was involved in an incident.

15 A. I didn't say that. What I said is
16 where -- where we had police involved, is what
17 I meant. If I wasn't clear, my apologies on
18 that.

19 Q. Okay. So you've experienced two other
20 instances where the police were involved in a
21 situation pertaining to you and A.D., correct?

22 A. Yes.

23 Q. And this instance on Flight Number 2067
24 would be the third time?

1 A. Yes.

2 Q. Okay. And what was the first of those
3 two times that you're referring to?

4 A. The first time was on -- what A.D.
5 says, it was a Delta flight. I don't remember.
6 A.D. has a much better memory than me. And it
7 was a Delta flight. And he was tired. He...

8 I probably should say right now, A.D.
9 is an incredibly affectionate person, and he
10 was probably ten at the time, and he put his
11 head on my shoulder, and he fell asleep, and I
12 fell asleep as well. And I was informed, when
13 I got off the plane, by the FBI, that a
14 passenger reported it to an airline attendant,
15 who then asked the police to question us once
16 we landed.

17 Q. Do you recall where this incident
18 occurred? Where the flight landed?

19 A. I do not. I can only tell you what
20 A.D. says.

21 Q. Okay. And where was the second
22 incident?

23 A. The second incident was in a movie
24 theater in Wilmington. We have a small, little

1 condo down there, we've had for many years,
2 that we go to on the weekends. And we went to
3 a movie, because it was raining. And I don't
4 remember what started it off, but I remember he
5 was holding my hand, and we were watching
6 Black Panther. And he was holding my hand
7 and -- oh, can I go back on something?

8 Q. Yes.

9 A. Okay. So I'm sorry. I wanted to
10 answer your question. I goofed up.

11 After the plane, they identified
12 themselves as the FBI.

13 THE WITNESS: And can I go on about
14 that a little bit?

15 MR. McKAY: Sure.

16 MS. SHELKE: Yes.

17 BY MS. SHELKE:

18 Q. So just to clarify, you're speaking
19 about the incident that A.D. believes occurred
20 on a Delta flight?

21 A. Yes. Yes.

22 Q. Okay.

23 A. When I got off the plane, there was
24 people who waited for -- I'm sorry. I should

1 have gone into this. I got distracted. The
2 people were waiting at the gate, and they saw
3 us come off the plane, and they asked if they
4 could speak to us for a couple minutes. And
5 the person identified themselves as the FBI.

6 And just be patient with me. I'm
7 trying to remember the specifics. Okay? And
8 they said -- they said that somebody had
9 reported that there was a possibility of
10 trafficking, and he wanted to know if he could
11 talk to A.D. inside. And there were two of
12 them. And one went to the side with A.D. and
13 asked him some questions, and then the other
14 one stayed with me, and he asked me who A.D.
15 was, when I adopted him. He asked -- I know he
16 asked about our family structure, I'm pretty
17 sure of that.

18 And then we just waited. And about
19 five minutes later, the other one came over and
20 apologized, and he said that, "People" -- his
21 words -- "People are not used to seeing a black
22 child with a white person," and he was very
23 apologetic, and we moved on, and maybe it took
24 five minutes.

1 Q. Did this interaction with the FBI that
2 you just described occur on the jet bridge, or
3 were you inside the terminal of the airport?

4 A. We were inside the terminal, yeah.

5 Q. Were you in a law enforcement, police,
6 or FBI office, or just at the gate area?

7 A. The gate area, by a hall. He asked us
8 to come over by a hall. So there was like a
9 hall down the side or something.

10 Q. And that was just for privacy. Would
11 that be accurate?

12 A. Uh-huh.

13 Q. Yes?

14 A. Yes. Sorry.

15 Q. And, again, you do not recall the city
16 you were in when this incident occurred?

17 A. I don't. A.D. said it was Salt Lake
18 City. I don't remember.

19 Q. Do you know what year it was?

20 A. I'm sorry, Tara. I think he was ten
21 years old, though.

22 Q. Okay.

23 A. I wish I could be more specific, but I
24 can't.

1 Q. That's fair.

2 After the incident that we just talked
3 about, where you spoke with the FBI for five
4 minutes or so, did you have any interaction
5 with the airline with respect to that incident?

6 A. No.

7 Q. After that incident that we just talked
8 about that occurred on a flight, did you have
9 any -- did you make any complaints to the NTSB,
10 the DOT, or the FAA?

11 A. Are we talking about that same flight,
12 the Delta flight?

13 Q. Yes.

14 A. Okay. No, I did not. It wasn't
15 necessary.

16 Q. After the incident on the Delta flight,
17 if it was indeed a Delta flight, did you file a
18 lawsuit?

19 A. No, I did not.

20 Q. Did you make any claims or complaints
21 against the airline?

22 A. No, I did not.

23 Q. Is there anything else that you recall
24 about this incident on the Delta flight?

1 A. I just remember we sat at the gate, and
2 I was explaining to him why these things
3 happened, for about 15 minutes. And I remember
4 the police officer talking to him very briefly
5 about it as well. He was very kind to him.

6 Q. You've talked about both police and
7 FBI.

8 A. I'm intermingling. I'm sorry.

9 Q. Okay.

10 A. I'm just, you know, lumping them.

11 Q. So to the best of your recollection,
12 law enforcement, whether they were police or
13 FBI, you would not know?

14 A. He identified himself as FBI.

15 Q. FBI.

16 A. He definitely did. And I'm using
17 interchangeably the words. I'm sorry.

18 Q. And you said that you sat at the gate
19 for about 15 minutes and explained this
20 incident to your son?

21 A. Not at -- it may not have been at that
22 gate, but we sat down someplace afterwards and
23 talked, yeah.

24 Q. Did A.D. ask you any questions which

1 led to you explaining the incident to him?

2 A. No.

3 Q. Is there anything else that you recall
4 about this incident on the Delta flight?

5 A. No, it was just a brief vacation, was
6 all.

7 Q. Is there anything else that A.D. has
8 told you that he recalls about this Delta
9 flight?

10 A. Only that he recalls it was Salt Lake
11 City and Delta, because we never even thought
12 about it again until the Frontier flight. I
13 mean -- and I will add --

14 THE WITNESS: And, John, if I'm saying
15 too much, please stop me.

16 A. I was so impressed with the way it was
17 handled, that there is a certain amount of you
18 that then becomes: "Okay, this is great. I'm
19 glad they were involved. I'm glad they were
20 very reasonable. They were nice." And I felt
21 like -- I felt supported.

22 Like when I -- on Frontier, for
23 instance, when I was on the flight, the only
24 thing that got me really, really concerned was

1 Scott's hostility and hitting me, and then
2 confronting me, and his behavior. You know, if
3 somebody had just said, "Look, you know, we got
4 this complaint. I'm sorry, I'm going to move
5 him to the back of the plane for now, and the
6 FBI will take care of it," I could have walked
7 away from that saying, "Oh, thank God the FBI
8 is involved. And this will be great, you
9 know." It wasn't, though. And I got
10 assaulted. My son got taken.

11 He will tell you tomorrow, he was not
12 treated kindly. He will tell you tomorrow that
13 they didn't even let him get his shoes. They
14 didn't let him take his jacket. He told them
15 he was cold. He told them he needed his shoes.
16 There was no compassion given to him. And,
17 obviously, this raised my concerns enormously,
18 to the point where I didn't even want to bring
19 his shoes back anymore.

20 So it was just a whole different set.
21 The FBI didn't scare me. I mean, they were
22 very reasonable people, as were the police in
23 Wilmington.

24 Q. With respect to the incident that

1 occurred on the Delta flight, as you understand
2 the charges, they related to human trafficking;
3 is that correct?

4 A. Yes.

5 Q. Were there any other charges that were
6 explained to you?

7 A. No, the only word he used was
8 "trafficking."

9 Q. And then moving on to the incident at
10 the movie theater in Wilmington.

11 A. Right.

12 Q. You were watching the movie
13 Black Panther --

14 A. Yes.

15 Q. -- to the best of your recollection?

16 A. It was.

17 Q. It was Black Panther, and it was only
18 you and A.D.?

19 A. Yes.

20 Q. None of your other children were with
21 you?

22 A. No.

23 Q. Do you recall the year?

24 A. I could tell you the year it came out.

1 I don't know.

2 Q. That's fair.

3 A. I'm not sure.

4 Q. And somebody called the police in that
5 instance?

6 A. Yes.

7 Q. And it would have been the Wilmington
8 local police?

9 A. Yes.

10 Q. Tell me when, in the course of the
11 movie, the police were called. Meaning, were
12 they called during the previews, were you
13 pulled out of the movie, or did it occur at the
14 end of the movie?

15 A. I can't tell you when the police were
16 called, obviously. I can only tell you when
17 they asked me to step outside. And I even
18 remember the scene, because it was the big
19 scene in the movie, and my son was very upset
20 about missing the scene, and it was some scene
21 where there was a struggle to become king or
22 something.

23 And they came to the aisle, and he was
24 very pleasant, and he said, "Do you mind if we

1 just talk outside?" And there was only two
2 other people. We were in the lower half. So
3 you know how the movie theater is divided, an
4 aisle, and there's an upper and a lower half,
5 and he wanted to sit in the lower half. So,
6 you know, we were like this (indicating). And
7 there was only one other -- two other people in
8 that whole lower half, and they were a black
9 couple about six or five chairs away.

10 And the officer asked us to step out,
11 and we went outside with him into the lobby.
12 In a hall, actually.

13 Q. And it was one police officer?

14 A. No, there were two.

15 Q. And what did they explain to you was
16 the issue?

17 A. They said that I was holding his hand,
18 and that my hand was resting against his leg,
19 and that somebody called them and said that
20 they were concerned about abuse of a minor.
21 And he didn't say sexual abuse, but he said
22 abuse of a minor. And then they talked to A.D.
23 apart from me.

24 Q. Did anything further come of that

1 incident? Meaning, did you have further
2 interactions with the police?

3 A. No.

4 Q. Did you make a complaint against the
5 movie theater in that instance?

6 A. No.

7 Q. Did you go back in to finish watching
8 the movie?

9 A. We did.

10 Q. Turning back to Deposition Exhibit
11 Number 2, point number 29h says that you looked
12 back at your son several times, he looked
13 scared, but you could not get his attention.

14 So you would stand up in your seat and
15 turn around to face the back of the aircraft;
16 is that correct?

17 A. I actually was -- I specifically
18 remember trying to pull my knee up underneath
19 me. I did not stand up, because I was afraid
20 of falling. And I remember I had worked my
21 knee up so I could get up on one knee and look
22 at him, and I could only see his face. I
23 couldn't see anything else.

24 Q. So you could not see what he was doing;